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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/647,148	08/25/2003	Bob Cheyenne Grimes	437-101	1307
7590 03/14/2008				
Elliott N. Kramsky, Esq. Suite 400 5850 Canoga Avenue Woodland Hills, CA 91367				
EXAMINER				
HOEY, ALISSA L				
ART UNIT		PAPER NUMBER		
3765				
MAIL DATE		DELIVERY MODE		
03/14/2008		PAPER		

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/647,148

Applicant(s)

GRIMES, BOBI CHEYENNE

Examiner

Alissa L. Hoey

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 26 December 2007.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-12 is/are pending in the application.
- 4a) Of the above claim(s) 6-12 is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-5 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/CDC)
- 4) ☐ Interview Summary (PTO-413)
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____
- Paper No(s)/Mail Date _____

DETAILED ACTION

Response to Amendment

1. This is in response to amendment received on 12/26/07. Claim 1 is amended, claims 6-12 are withdrawn and claim 13 is cancelled. Claims 1-5 are examined below.

Claim Rejections - 35 USC § 102

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

3. Claims 1-4 are rejected under 35 U.S.C. 102(b) as being anticipated by Knapp (US 5,204,995).

In regard to claim 1, Knapp teaches a garment comprising, in combination: a) an adjointed pair of pant legs (figure 1); b) each of said pant legs having an inner surface (16: interior side) and an outer surface (14: exterior surface) and including an outer perimeter (see perimeter edges of front leg panels including edges 52, 54) and an inner perimeter (perimeter edges of the inside of the leg panels); and c) at least one of said pant legs having an elongated aperture located adjacent to the outer perimeter of a pant leg (see button holes, figure 1, identifier 56).

In regard to claim 2, Knapp teaches a garment as defined in Claim 1 additionally a) a least one ornament (figures 7 and 8, identifier 60); b) said ornament comprising an ornament face (64) and a back button (62), said ornament face (64) being threadedly joined in spaced relationship to said back button (figures 7 and 8, identifier 66); and

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c) said at least one ornament (64) being received at an elongated aperture (56) so that said ornament face (64) lies adjacent the outer surface of a pant leg and said back button lies adjacent the inner surface of said pant leg (see figures 1, 7 and 8).

In regard to claim 3 Knapp teaches a garment as defined in Claim 2 further characterized in that:

a) at least one of said pant legs has a plurality of apertures (figure 1, identifiers 56); and
b) said plurality of apertures (56) is arranged vertically adjacent the outer perimeter of said leg (see figure 1, identifier 56).

In regard to claim 4, Knapp teaches a plurality of ornaments (60).

Claim Rejections - 35 USC § 103

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. Claim 5 is rejected under 35 U.S.C. 103(a) as being unpatentable over Knapp.

Knapp teaches a garment as described above in claims 1-3. Further, Knapp teaches the ornaments having rivets. However, Knapp fails to teach the ornaments comprising rivets made out of brass material.

It would have been obvious to have provided the ornaments with rivets of Knapp to have been made out of brass, metal or plastic, because as long as the rivets provide stability and securement to the ornaments, the type of material can be chosen from any well known materials including brass, based upon end use and aesthetics.

Response to Arguments

6. Applicant's arguments filed 12/26/07 have been fully considered but they are not persuasive.

Applicant argues that Knapp fails to teach the outer perimeter referring to the outer seams of the pant legs.

Examiner notes that the claims do not require the outer perimeter to correspond to the outer seams. It is the claims that define the claimed invention, and it is claims, not specifications that are anticipated or unpatentable. *Constant v. Advanced Micro-Devices Inc.*, 7 USPQ2d 1064.

Knapp teaches an adjoined pair of pant legs, each of the pant legs having inner surfaces and outer surfaces. The inner surfaces of the pant leg are the interior sides of the pant legs that lie against the user's skin. The outer surfaces are the pant leg portions that form the exterior sides that are visible to onlookers.

The inner surfaces/interior sides have inner perimeters which extend the entire interior perimeter of the leg portion panels. The outer surfaces/exterior surfaces have outer perimeters which extend the entire exterior perimeter of the leg portion panels. The outer surface perimeter of the pant leg of Knapp is provided with an elongated aperture that lies adjacent to the outer perimeter.

Conclusion

7. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Alissa L. Hoey whose telephone number is (571) 272-4985. The examiner can normally be reached on M-F (8:00-5:30)Second Friday Off.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Gary Welch can be reached on (571) 272-4996. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

ALH

/Alissa L. Hoey/
Primary Examiner, Art Unit 3765